

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIE WELDON, #Y45784,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 21-cv-01313-JPG
)	
RICHARD WATSON,)	
)	
Defendant.)	

ORDER DISMISSING CASE

GILBERT, District Judge:

This matter was severed from a civil rights action filed by Plaintiff Willie Weldon pursuant to 42 U.S.C. § 1983 to address claims of excessive force against Cahokia Police Department and denial of medical care against St. Clair County Sheriff Richard Watson. *See Weldon v. Cahokia Police Dep't, et al.*, No. 21-cv-00684-JPG (S.D. Ill. 2021) (original case) (Doc. 1). The severed action focuses only on Plaintiff's claim for the denial of medical care against Sheriff Richard Watson. (Doc. 2).

The claim did not survive screening under 28 U.S.C. § 1915A, and the original Complaint was dismissed without prejudice on February 14, 2022. (Doc. 12). Plaintiff was granted leave to file a First Amended Complaint on or before March 14, 2022, if he intended to proceed any further with this action. (*Id.*). He was warned that failure to file an amended complaint by the deadline would result in dismissal of this case with prejudice and the assessment of a "strike." (*Id.* at 4) (citing FED. R. CIV. P. 41(b); 28 U.S.C. § 1915(g)).

Plaintiff missed the deadline for filing a First Amended Complaint on March 14, 2022. At least a week has passed since the deadline expired, and he has not requested an extension. In fact, the Court has heard nothing from him since early November 2021. (Doc. 8).

The Court will not allow this matter to linger indefinitely. This action shall be dismissed with prejudice for failure to comply with the Court's Order (Doc. 12) to file a First Amended Complaint and/or to prosecute his claims. FED. R. CIV. P. 41(b). Because the underlying claim and original Complaint were dismissed for failure to state a claim upon which relief may be granted, this dismissal counts as one of Plaintiff's three allotted "strikes." 28 U.S.C. § 1915(g).

Disposition

IT IS HEREBY ORDERED that this action is **DISMISSED** with prejudice based on Plaintiff's failure to comply with the Court's Order (Doc. 12) to file a First Amended Complaint and/or prosecute his claims. *See* FED. R. CIV. P. 41(b); *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). This dismissal counts as a "strike." 28 U.S.C. § 1915(g).

The Clerk's Office is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: 3/21/2022

s/J. Phil Gilbert
J. PHIL GILBERT
United States District Judge